

REMARKS

Claims 1-18 are pending and under consideration. New claim 18 is added herein. Support for new claim 18 may be found in claims 1 and 17 as filed originally. Reconsideration is requested based on the following remarks.

Objections to the Drawings:

The drawings were indicated as having been objected to on the Form PTOL-326 included with the Office Action. In a telephone call to the Examiner the objection to the drawings was indicated to be a typographical error.

Claim Rejections - 35 U.S.C. § 103:

Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi, US 2002/0173281. The rejection is traversed. Reconsideration is earnestly solicited.

Claims 1 and 17 recite,

"an opening permission section that allows said second housing to open at an angle greater than the first angle relative to said first housing."

Kobayashi neither teaches, discloses, nor suggests "an opening permission section that allows said second housing to open at an angle greater than the first angle relative to said first housing," as acknowledged graciously in the Office Action. The Office Action asserts at page 3 that,

"However, at paragraph [0048] Kobayashi's responsive to an operation of the operating portion, the second housing 12 rotates from the first angle position to the second angle position that implies Applicant's second housing to open at an angle greater than the first angle relative to said first housing."

To the contrary, no mention of second housing 12 rotating any further than the second angle position is made in paragraph [0048] at all, let alone any implication that Applicant's second housing opens at an angle greater than the first angle relative to said first housing. Paragraph [0048] of Kobayashi, rather, describes,

Thus, the second hinge unit 15 has the operating portion, responsive to an operation of the operating portion, the second housing 12 rotates from the first angle position to the second angle position.

Thus, in Kobayashi, second housing 12 rotates only from the first angle position to the second angle position and no further. The Office Action dispenses with this deficiency of

Kobayashi with the statement,

"It would have been obvious to one of ordinary skill in the art at the time the invention was made to have second housing to open at an angle greater than the first angle relative to said first housing doing so it would provide flexibility for the user while using the phone."

M.P.E.P. § 2143.01, however, prohibits a proposed modification that would change the principle of operation of a reference. As Kobayashi describes at paragraph [0044],

Herein, in the opened condition illustrated in FIG. 2B, an edge portion 11e of the first housing 11 connected to the hinge portion 13 and an edge portion 12e of the second housing 12 connected to the hinge portion 13 collide with each other. The opening force is thereby suppressed so that the angle between the first and the second housings 11 and 12 may not become larger than α .

Thus, in Kobayashi, edge portion 11e of first housing 11 connected to hinge portion 13 and edge portion 12e of second housing 12 connected to hinge portion 13 *collide* with each other in the opened condition. If Kobayashi were modified as proposed in the Office Action, on the other hand, by providing "an opening permission section that allows said second housing to open at an angle greater than the first angle relative to said first housing" as recited in claims 1 and 17, edge portion 11e and edge portion 12e would no longer be able to collide with each other in the opened condition. Otherwise, if edge portion 11e and edge portion 12e still collided with each other in the opened condition, first housing 11 and second housing 12 would be *prevented* from opening any further than the opened condition. It is submitted, therefore, that persons of ordinary skill in the art at the time the invention was made would have been deterred from modifying Kobayashi in the manner proposed by the Office Action, since the proposed modification would have changed the principle of operation of Kobayashi.

M.P.E.P. § 2143.01 also prohibits a proposed modification that would render a reference unsatisfactory for its intended purpose. Here, Kobayashi intends to *suppress* the opening force so that the angle between the first and the second housings 11 and 12 may *not* become larger than α , as described at paragraph [0044]. Modifying Kobayashi as proposed in the Office Action, on the other hand, by providing "an opening permission section that allows said second housing to open at an angle greater than the first angle relative to said first housing" as recited in claims 1 and 17, would render Kobayashi unsatisfactory for its intended purpose of *preventing* the angle between the first and the second housings 11 and 12 from becoming larger than α . It is submitted, therefore, that persons of ordinary skill in the art at the time the invention was made would have been deterred from modifying Kobayashi in the manner proposed by the Office Action, since the proposed modification would have rendered Kobayashi unsatisfactory for its

intended purpose. Claims 1 and 17 are submitted to be allowable. Withdrawal of the rejection of claims 1 and 17 is earnestly solicited.

Claims 2-16 depend from claim 1 and add additional distinguishing elements. Claims 2-16 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2-16 is earnestly solicited.

New claim 18:

New claim 18 recites,

“allowing said second housing to open at an angle greater than the first angle relative to said first housing.”

None of the cited references teach, disclose, or suggest allowing said second housing to open at an angle greater than the first angle relative to said first housing,” as discussed above with respect to the rejection of claims 1 and 17. Claim 18 is thus believed to be allowable, for at least those reasons discussed above with respect to claims 1 and 17.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-18 are allowable over the cited references. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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